

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| DONALD EVERETT CRONK,      | ) | No. C 07-05313 TEH (PR)          |
|                            | ) |                                  |
| Petitioner,                | ) | ORDER DENYING MOTION TO          |
|                            | ) | PROCEED <i>IN FORMA PAUPERIS</i> |
| vs.                        | ) |                                  |
|                            | ) |                                  |
| ROBERT AYERS, JR., Warden, | ) |                                  |
|                            | ) |                                  |
| Respondent.                | ) | (Docket No. 2)                   |


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On October 18, 2007, Petitioner, a California state prisoner incarcerated at San Quentin State Prison, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the California Board of Parole Hearings' ("BPH") decision to deny him parole on September 14, 2005. Petitioner has filed a motion to proceed in forma pauperis (Docket No. 2) pursuant to 28 U.S.C. § 1915(a).

According to Petitioner's income and prisoner trust account balance over the last six months, Petitioner has ample funds to pay the \$5.00 filing fee. Accordingly, his motion for leave to proceed in forma pauperis is DENIED. (Docket No. 2.) Petitioner shall pay the \$5.00 filing fee **within thirty (30) days** of the date this order is entered or this case will be dismissed. See Fed. R.Civ.P. 41(b).

IT IS SO ORDERED.

DATED: March 24, 2008

  
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THELTON E. HENDERSON  
United States District Judge